



Attorney Docket No.: 0492611-0506 (MIT 9926)

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

INFLUENZA THERAPEUTIC

the specification of which (I authorize Choate, Hall & Stewart to check one of the following, three choices, and fill in the blanks, if applicable):

 is attached hereto.

X was filed on September 29, 2003 as Application Serial No.10/674,159 and amended on (if applicable).

 was filed as PCT international application No. ,
on and was amended under PCT Article 19
on (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

NUMBER	COUNTRY	FILING DATE	PRIORITY CLAIMED	
			YES	NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS
10/674,087	September 29, 2003	Pending

PCT Applications designating the United States:

PCT APPLICATION NUMBER	FILING DATE	STATUS
US03/30502	September 29, 2003	Pending
US03/30508	SEPTEMBER 29, 2003	PENDING

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

APPLICATION NUMBER	FILING DATE	STATUS
60/414,457	September 28, 2002	Expired
60/446,377	February 10, 2003	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of inventor Jianzhu Chen
Inventor's Signature J. Chen Date 2/27/04
Residence 17 Stearns Road, Apt. #6, Brookline, MA 02456
Citizenship U.S.A.
Post Office Address Same as above
Full name of inventor Herman N. Eisen
Inventor's Signature Herman N. Eisen Date 2/27/04
Residence 9 Homestead Street, Waban, MA 02468
Citizenship U.S.A.
Post Office Address Same as above

Full name of inventor Qing Ge
Inventor's Signature Q. Ge Date 2/27/04
Residence 55 Harvey Street, Apt. 1R, Cambridge, MA 02140
Citizenship U.S.A.
Post Office Address Same as above



ATTORNEY'S DOCKET NUMBER: 0492611-0506 (MIT 9926)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chen, et al.
Serial Number: 10/674,159
Filed: September 29, 2003
Title: "Influenza Therapeutic"

Examiner:
Art Unit:

MAIL STOP: MISSING PARTS

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPOINTMENT OF ATTORNEY

The undersigned hereby appoints:

Sam Pasternack, Reg. No. 29,576
Donald W. Muirhead, Reg. No. 33,978
Brenda Herschbach Jarrell, Reg. No. 39,223
Anne E. Saturnelli, Reg. No. 41,290
Kevin Tormey, Reg. No. 41,351
Elizabeth E. Nugent, Reg. No. 43,839
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Monica Gerber, Reg. No. 46,724
Elijah Cocks, Reg. No. 47,499
Nadège M. Lagneau, Reg. No. 51,908
Charles Lyon, Limited Recognition Under 37 C.F.R. §10.9(b)
Stacy Blasberg, Reg. No. 52,625
Theresa Devlin, Reg. No. 45,361

as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to Monica R. Gerber, M.D., Ph.D., Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109.

Respectfully submitted,

Name: Rita M. Filipek
Title: Patent Administrator
On behalf of Massachusetts Institute of Technology
Dated: 2/11/04



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Alexandria, VA 22313-1450

Sir:

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION
(37 CFR § 3.73(b))

The inventors of the above-referenced United States patent application have assigned their entire right, title, and interest in the inventions disclosed therein according to the following table:

Inventor	Assignee
Jianzhu Chen	Massachusetts Institute of Technology
Herman N. Eisen	Massachusetts Institute of Technology
Qing Ge	Massachusetts Institute of Technology

Thus, the Assignee of the inventors' entire right, title, and interest are:

Massachusetts Institute of Technology

According to 37 CFR § 3.73(b), the Assignee is entitled to take action relating to the application in the Patent and Trademark Office if the Assignee establishes ownership to the satisfaction of the Commissioner.

Ownership by the assignee is established as follows:

documents already recorded in the PTO on _____.

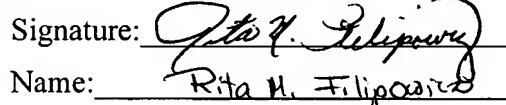
Reel _____

Frame _____; and

documents separately submitted for recordal to the PTO (a copy of these documents are attached).

STATEMENT

I, person(s) authorized to sign on behalf of the Assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as Assignee who seeks to take further action.

Name/Title	Assignee	Date
Signature: 	Massachusetts Institute of Technology	2/11/04
Name: Rita M. Filipowicz		
Title: Patent Administrator		



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Sir:

**WRITTEN ASSERTION OF SMALL ENTITY STATUS
UNDER 37 CFR §1.27(a)(3)
NON-PROFIT ORGANIZATION**

The undersigned hereby asserts entitlement to small entity status as a non-profit organization under 37 CFR §1.27(a)(3) on behalf of Massachusetts Institute of Technology.

This assertion is made on the ground that Massachusetts Institute of Technology is either:

- (a) a university or other institution of higher education located in any country;
- (b) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 USC §501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 USC §501(a));
- (c) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 USC §201(i)); or
- (d) any nonprofit organization, located in a foreign country, that would qualify as a nonprofit organization under paragraphs (b) or (c) above if it were located in this country,

and *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27.

Respectfully Submitted,

Print Name: Rita M. Filypowicz

Title: Patent Administrator
On behalf of Massachusetts Institute of Technology.
Dated: 02/11/04